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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

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)
Policies and Rules Implementing)
the Telephone Disclosure and Dispute)
Resolution Act)

CC Docket No. 93-22
RM-7990

MOTION TO ACCEPT LATE FILED PLEADING

Ameritech respectfully requests that the Commission accept the attached Comments one day after they were due. Ameritech's Washington office gave those Comments to its courier service with ample time for filing; but the courier service, in making other deliveries, failed to file the Comments in the Secretary's office before it closed. A delay of one day in the filing of these comments will not prejudice any party.

WHEREFORE, Ameritech respectfully requests that the attached Comments be accepted for filing.

Respectfully submitted,

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First, with respect to 900 numbers, as the Commission noted, the 900 service access code is utilized exactly the same way that the 800 service access code has been utilized prior to the introduction of the 800 database -- *i.e.*, with each NXX dedicated to a single specific interexchange carrier ("IXC"). Local exchange carrier ("LEC") switches are programmed to route to a particular IXC all calls to the 900-NXX codes dedicated to that IXC. To change that system to one in which each NXX within the 900 service access code is dedicated to a particular type of pay-per-call service would involve massive disruption of the existing pay-per-call industry. All existing pay-per-call services would have to be rearranged and put onto different NXXs based on the type of program. In addition, in order to route calls to the appropriate IXCs, a database similar to the 800 database would have to be created in order to perform full ten digit screening on each 900 call since routing to the appropriate carrier could no longer be accomplished merely by looking to the first three digits dialed after the 900 service access code.

Although the same routing problems do not exist for primarily intrastate pay-per-call services, a similar and equally disruptive effect could result from the mandatory designation of specific NXXs (other than 976) to be set aside for specific types of services. Any attempt by the Commission to designate specific prefixes (other than 976) on a nationally uniform basis for use by specific types of pay-per-call programs risks serious disruption to customers whose basic service is furnished using telephone numbers in those prefixes. For example, for the Ameritech Operating Companies, the average "fill" per NXX is approximately 6,000. Since there are 21 NPAs (area codes) in the Ameritech region, a set aside of five codes, for example, to accommodate five different types of pay-per-call programs could require approximately 630,000 customers to change their telephone numbers. Moreover, such a set aside would in most cases constitute a

poor utilization of a numbering resource if there is no significant demand for the ability to distinguish between types of pay-per-call programs that can justify the cost from a public policy perspective. In addition, reassigning services already offered via the 976 prefix could cause significant disruption to the businesses of current "legitimate" service providers and to their customers.

In that regard, the Commission has asked for comments regarding the technical and economic feasibility of accomplishing detailed blocking or presubscription to only specific types of pay-per-call services -- thus assuming the "dedicated NXX" concept discussed above. It is anticipated that, with the implementation of the advanced intelligent network ("AIN") platform, such specific blocking capability will be technically feasible by sometime in 1994. Ameritech plans to deploy the platform technology on a market-demand basis. If it determines that there is sufficient demand for the particular feature, it will be offered accordingly.³

II. COLLECT PAY-PER-CALL PROGRAMS.

The NPRM raises the issue of using a "collect" mechanism to offer pay-per-call programs. Specifically, the Commission proposes to amend its existing restriction prohibiting common carriers from providing transmission services for automated collect telephone calls that are not affirmatively accepted to include also all "audio information services or simultaneous voice conversation services" offered on a collect basis that are not affirmatively accepted. In addition, the TDDRA requires the Commission to establish rules requiring common carriers, by tariff or contract, to prohibit their 800 service customers from calling back a party collect for the provision of pay-per-call services. Finally, the Commission is

³ It is clear that TDDRA does not require that this advanced blocking capability be offered without charge.

seeking comment on whether it should prohibit carrier billing for any interstate pay-per-call offered on a collect basis.

The Ameritech Operating Companies, like all LECs that offer billing services to IXC's (and thus are billing subcontractors in billing for interstate pay-per-call services), often find themselves "in the middle" on issues relating to billing for and provision of service to providers of interstate pay-per-call services. The Ameritech Operating Companies have no direct relationship with those providers. Moreover, they have no independent ability to detect whether charges for particular programs are levied in compliance with the Commission's and any applicable Federal Trade Commission ("FTC") rules. This is because Ameritech does not "rate" calls for interstate pay-per-call services. Rather, they receive the rated billing information on those calls from the appropriate IXC to be included in that IXC's portion of the bill sent to Ameritech customers.

With that in mind, the Companies must state emphatically that any common carrier obligations with respect to the restriction of pay-per-call services on a collect basis must reside with the IXC's who have a direct relationship with the program providers. For it is only the IXC's who rate the calls that ultimately appear on customers' bills who would be in a position to know whether the charge for any particular collect call exceeds the normal and customary charge for the transmission of the call -- *i.e.*, whether any particular collect call involves a pay-per-call service .

In addition, it may be significant that the FTC's proposed rules directly applicable to pay-per-call service providers are not completely congruent with the rules contemplated by the Commission in the NPRM. For example, although the FTC's proposed rules do prohibit providers from offering pay-per-call services through an 800 number, there is no rule prohibiting the provider itself from offering services via collect call backs after calls to 800 numbers. Similarly,

the FTC has not proposed a generic prohibition against offering services in a manner that is inconsistent with any FCC rule concerning the restriction of pay-per-call services to certain service access codes and prefixes. Nor was there any inquiry by the FTC into a generic prohibition against offering pay-per-call services on a collect basis. Thus, the ability of the FCC to shape the way in which pay-per-call services are offered in a manner that is most beneficial to the public may be hampered by "gaps" in the FTC's rules applicable to the service providers themselves.

III. ADDITIONAL INFORMATION ON TELEPHONE BILLS

The Commission has asked for comments on whether additional information, beyond that already required, should be included on telephone bills containing pay-per-call charges. Specifically, the Commission has inquired as to whether the name and other information about the pay-per-call service provider should be included. The Commission has also inquired as to whether specific disclosures regarding the possibility of a pay-per-call service provider pursuing collection activities on its own, about the fact that neither local nor long distance service can be interrupted or terminated for failure to pay the charges, or other information should appear on the telephone bill.

Ameritech strongly urges the Commission to avoid imposing any additional requirements for placing information on telephone bills, especially in this case where this information will be provided to customers through other means. In Ameritech's experience, requiring detailed additional information on the bill would, in most cases, greatly increase the size and complexity of the bill, with the concomitant potential for customer confusion. Ameritech has had much experience with customers' reactions to additional information contained on their bills. For the most part, increasing the information on customers' bills tends

to produce negative customer reaction, especially if it is information that may be important to only a few customers in a relatively small number of situations.

Ameritech's bills must today include separate sections for intraLATA and interLATA charges together with disclaimers noting that Ameritech is not in any way associated with the provision of interLATA services even though charges for those services appear on the bill. Adding additional information onto each bill about the identity of pay-per-call service providers or about billing dispute resolution procedures will, for most customers, constitute unnecessary "clutter" that simply makes the bill more difficult to read.

In addition, other aspects of the Commission's proposed rules as well as those rules proposed by the FTC are more than adequate to meet any customer informational need. For example, the Commission's rules require that common carriers that assign numbers for pay-per-call services provide customers, upon request and free of charge, the name, address, and customer service telephone number of any information providers who receive transmission services from the carriers. Thus, if a consumer has any questions about the identity of any provider of services for which charges appear on the bill, he or she can simply request that information from the appropriate carrier.

Moreover, the FTC's proposed rules governing "telephone-billed purchases" will require at least an annual dissemination of a "billing rights" statement. Also, the FTC's rules require that the billing entity notify customers that the removal of a charge from the bill does not prevent the vendor of a telephone-billed purchase from pursuing collection of the charge independently. Thus, there is no need for the Commission to impose any additional disclosure requirements that would tend to make telephone bills more complicated from the customers' perspective.

IV. RECOVERY OF COSTS.

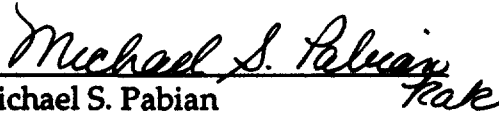
The Commission has asked questions concerning the identification and recovery of costs associated with compliance with the TDDRA.⁴ First, Ameritech would note that all interstate costs that would be associated with information dissemination programs related to the billing of pay-per-call services, with the billing procedures themselves, and with administering any dispute resolution and refund process would be allocated by Ameritech to accounts that funnel into the billing and collection revenue requirement. Thus, these costs are not recouped via rates charged for Ameritech's regulated services.

With respect to costs currently associated with offering basic free blocking, Ameritech would note that the incremental cost of providing that feature today is virtually zero. Ameritech has been offering free blocking (free on a one-time basis without any time limitation⁵) for five years. Thus, year over year the numbers of orders for blocking would have been expected to decline such that currently the annual number of requests for blocking are relatively small -- especially in relationship to the number of request initially received. In other words, most of the households for whom blocking is an attractive option will have already elected blocking sometime within the past five years. Given that fact, no Ameritech personnel currently on the payroll have been added or retained specifically to handle and implement orders for blocking. Thus, there is virtually no incremental service order cost attributable to offering blocking service. With respect to the technical provisioning of the basic "all or nothing"

cost since the switch intelligence necessary to offer the service has already been installed. Moreover, the Ameritech Operating Companies have not increased any rate in the past specifically to take into account the costs of providing blocking service.⁶ Thus, Ameritech's ratepayers have not and will not, in their general rates, pay for any of the incremental costs associated with providing for blocking service.

Thus, Ameritech requests that the Commission find that, under the circumstances, Ameritech is not required to charge customers who order blocking after 60 days or to charge business customers or to adjust existing rates for regulated services to be in compliance with the requirements of the TDDRA.

Respectfully submitted,


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⁶ This does not include the specific tariffed non-recurring charge for second and subsequent blocking orders.